

REMARKS

This Response to Office Action addresses the Office Action mailed on July 19, 2005 ("July 19 Office Action"). As demonstrated below, Applicant has obviated all of the Examiner's rejections and objections.

Prior Office Actions

On August 27, 2003, the Examiner mailed an Office action, in which the Examiner rejected claims 1-22 as being obvious over U.S. Patent No. 6,542,750 ("Hendrey") in view of U.S. Patent No. 6,135,354 ("Kubon") under Section 103 of Title 35 of the U.S. Code. On January 27, 2004, the Applicant filed an Amendment addressing the Examiner's rejection. On April 21, 2004, the Examiner mailed a final Office Action, in which the Examiner maintained the rejections based on Hendrey and Kubon. Applicant filed a Notice of Appeal on September 20, 2004, and an Appeal Brief on February 22, 2005. On July 19, 2005, the Examiner mailed the July 19 Office Action, which does not refer to nor maintain the rejections based on Hendrey and Kubon. Therefore, the Applicant considers the rejections based on Hendrey and Kubon to be withdrawn.

Current Office Action

In the July 19 Office Action, the Examiner rejected certain claims and objected to certain claims. The Examiner rejected claims 1-4, 6-20 and 22-32 ("Rejected Claims") as being anticipated by U.S. Patent Publication No. 2003/00665805 A1 ("Barnes 2003 Publication") under Section 102(e) of Title 35 of the U.S. Code. The Examiner also objected to claims 5 and 21 as being dependent upon rejected base claims but noted those claims would be allowable if rewritten in independent form.

With respect to the Examiner's rejections, the Barnes 2003 Publication is not prior art to the present application and, therefore, can not anticipate nor suggest any of the

claimed inventions under Section 102(e). In order for the Barnes 2003 Publication to be prior art to the present application, the Barnes 2003 Publication must have a filing date prior to the invention of the claimed subject matter in the pending application, which, for purposes of this response, will be at least as early as the filing date of the present application December 14, 2001. The Barnes 2003 Publication has an actual filing date of May 23, 2002, and claims it is a continuation-in-part of U.S. Application No. 09/606,350 filed on June 29, 2000 ("Barnes 2000 Application"). Thus, the Barnes 2000 Application must contain all of the Barnes 2003 Publication subject matter relied upon by the Examiner in order for the Barnes 2003 Publication to be prior art to the present application under Section 102(e). See, e.g., M.P.E.P. §2163.03.

The Barnes 2000 Application, however, does not contain the subject matter relied upon by the Examiner in the rejection based on the Barnes 2003 Publication. For example, paragraphs 44, 182, 208, 237 and 255 of the Barnes 2003 Publication, used by the Examiner in making his rejection, do not appear to be in the Barnes 2000 Application. In addition, the abstracts in the Barnes 2000 Application and the Barnes 2003 Publication are very different. Similarly, pages 1-4 of the Barnes 2003 Publication are very different from the beginning of the Barnes 2000 Application. Therefore, the subject matter in the above-mentioned passages from the Barnes 2003 Publication is entitled to a filing date of May 23, 2002, and not June 29, 2000. Since May 23, 2002 is after the filing date of the current application, the Barnes 2003 Publication is not prior art to the present application under Section 102(e). Moreover, the Barnes 2000 Application does not refer to nor suggest all of the elements of the present application's pending claims including, for example, coupons, barcodes and the two-way communication devices described in the claims.

With respect to the Examiner's objections to claims 5 and 21, Applicant believes the Examiner's objections have been obviated in view of the above remarks. However, Applicant appreciates the Examiner's willingness to allow those claims and reserves the right to make the amendments suggested by the Examiner if the Examiner persists with the rejections based on the Barnes 2003 Publication.

Accordingly, Applicant respectfully requests the Examiner withdraw the Section 102(e) rejections and objections to claims 5 and 21 and allow the pending claims 3-15.

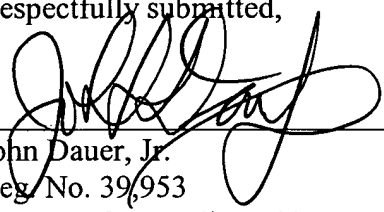
Dated: 12-14-05

I hereby certify that the correspondence attached herewith is being transmitted by First Class Mail to: Mail Stop: Amdt, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

KDufault
Kim Dufault

12/14/05
Date

Respectfully submitted,



John Dauer, Jr.
Reg. No. 39,953
Attorney for Applicant(s)
BROWN RAYSMAN MILLSTEIN FELDER
& STEINER LLP
900 Third Avenue
New York, New York 10022
Tel : (212) 895-2000
Fax: (212) 895-2900